

REMARKS

This Application has been carefully reviewed in light of the Office Action dated August 20, 2008 ("*Office Action*"). At the time of the *Office Action*, Claims 1-15 were pending and rejected in the Application. Applicants amend Claims 1, 5, 9, and 13. No new matter is added by these amendments. Applicants respectfully request reconsideration and favorable action in this case.

Section 112 Rejections

The Examiner rejects Claims 1-15 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner states:

The term "metadata" in claims 1-15 is used by the claim to mean "any data regarding the monitored object, including location, status, properties, events, and relationships data", while the accepted meaning is "data regarding a separate file, including ownership and editing information." The term is indefinite because the specification does not clearly redefine the term.

(*Office Action*, page 3). Initially, Applicants note that Applicants have searched the Specification and have not found the language that the Examiner identifies as Applicants' given meaning for the term "metadata." Accordingly, Applicants submit that the term "metadata" should not be limited to the Examiner's identified definition to the extent that such definition is inconsistent with the language of the claims considered in their entirety and including all of their constituent limitations and Applicants' Specification. Furthermore, Applicants respectfully disagree with the Examiner's contention that the term "metadata" is indefinite. For example, Applicants point the Examiner to page 10 of Applicants' Specification, which states that "metadata information can include, for example parent-child relationships between managed objects ("MOs") and clustered managed objects ("CMOs"), property information of a MO or CMO, and/or information about all events of any given MO or CMO." (*Specification*, page 10, lines 6-8). As another example, Applicants also point the Examiner to page 12 of Applicants' Specification, which states that "the following are the data elements for the agent that the Agent Metadata Service 304 can provide to all SOAP clients: Product Name, Product Version, Product Key, Application Server Name,

Application Server Version, Build Number, Agent Class Name, Event Class Name, Alerts Class Name, Managed Objects, Managed Object Path, Managed Object Relations, Managed Object Descriptor Properties, Event Set, Event Set Descriptor Properties, Event List, Event Relations, etc.” (*Specification*, Page 12, line 19 through Page 13, line 2). Thus, Claims 1-15 are definite without amendment in that the meaning of these claims and the term “metadata”, specifically, would be clear to one of ordinary skill in the art such that these claims comply with 35 U.S.C. § 112, second paragraph. *See* M.P.E.P. § 2173.02.

Applicants respectfully request that the rejection of Claims 1-15 under 35 U.S.C. § 112, second paragraph be withdrawn.

Section 102 Rejections

Claims 1-15 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,062,540 issued to Reddy et al. (“*Reddy*”). Applicants respectfully submit that Claims 1-15 are allowable for at least the reasons provided below.

Independent Claim 1 of the present Application, as amended, recites:

A method for management and configuration of remote agents, comprising:

- using a management device to provide at least one web service;
- providing an agent metadata service on each of a plurality of remote agents, each of the plurality of remote agents separated from the management device by at least one of a firewall, proxy server, and Virtual Private Network (VPN), each agent metadata service operable to retrieve agent metadata residing on the remote agent based on one or more detection parameters;
- receiving, by the at least one web service, the agent metadata from the plurality of remote agents; and
- detecting, by the at least one web service, at least one remote agent on a network based on the agent metadata; and
- performing at least one of managing and configuring the at least one remote agent based on the at least one web service.

Whether considered alone or in combination with any other cited references, *Reddy* does not disclose, either expressly or inherently, each and every element of the claims.¹

For example, *Reddy* fails to teach or suggest “using a management device to provide at least one web service . . . providing an agent metadata service on each of a plurality of remote agents . . . each of the plurality of remote agents separated from the management device by at least one of a firewall, proxy server, and Virtual Private Network (VPN),” as recited in amended Claim 1. *Reddy* discloses a portal 20 “to remotely monitor and manage one or more applications 42 executing at one or more computer systems 40 associated with one or more domains 30.” (*Reddy*, Column 3, lines 45-47). However, monitoring and management portal 20 merely includes a web browser 22, a user interface 24, and a repository 25 for storing user profiles and preferences. (*Reddy*, Figure 2; Column 4, lines 31-62). As disclosed in *Reddy*, the functionality for monitoring the applications is provided by a “a communication layer 60 and an monitoring and management layer 70 [that] are included in each domain 30 to provide portal 20 with access to applications 42.” (*Reddy*, Column 5, lines 3-4). Such layers are provided in the domain 30 “since domains 30 have associated firewalls 50 limiting access to applications 42). (*Reddy*, Column 4, line 67 through Column 5, line 4). Accordingly, *servlet* engine 64, within domain 30, is “used to gather appropriate information from the database and to generate a web page or other appropriate content for communication by web server 62 to portal 20.” (*Reddy*, Column 5, lines 28-31). Because the monitoring and management functionality is provided by a webserver/servlet engine located in the domain and is not separated from agents 72 by a firewall (the only firewall being firewall 50 between domain 30 and portal 20), Applicants respectfully submit that *Reddy* does not disclose, teach, or suggest “using a management device to provide at least one web service . . . providing an agent metadata service on each of a plurality of remote agents . . . each of the plurality of remote agents separated from the management device by at least one of a firewall, proxy server, and Virtual Private Network (VPN),” as recited in amended Claim 1.

¹ “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987); MPEP § 2131. In addition, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claims” and “[t]he elements must be arranged as required by the claim.” *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); MPEP § 2131 (*emphasis added*).

For at least these reasons, Applicants request reconsideration and allowance of independent Claim 1, together with Claims 2-4 that depend on Claim 1. For analogous reasons, Applicants also request reconsideration and allowance of independent Claims 5 and 9, together with Claims 6-8 and 10-12 that depend on Claims 5 and 9, respectively.

Claim 13 has been rewritten in independent form to include the limitations recited in Claim 1 prior to any amendment in this Response to Office Action. Applicants respectfully submit that *Reddy* does not disclose, teach, or suggest the each and every element recited in Applicants' now independent Claim 13.

For example, *Reddy* does not disclose, teach, or suggest "receiving at least one unsolicited alert notification from the at least one remote agent, the at least one alert notification comprising an indication of a change to the at least one remote agent." The *Office Action* cites Column 6, lines 15-30 and Column 8, lines 5-35 of *Reddy* in rejecting claim element. However, the cited portions make clear that any alert notifications received by the monitoring and management portal are, in fact, requested by the user and, thus, solicited alerts. For example, the first cited portion specifies that an "events service 80 provides the capability for a user of portal 20 to subscribe to particular notifications from monitors 74." (*Reddy*, Column 6, lines 25-27). Likewise, the second cited portion specifies that notifications may be retrieved "in response to the selection by a user of portal 20 of particular applications 42 or types of events that the user desires to be monitored (for example, through the customization of a display)" or "in response to a current request." (*Reddy*, Column 8, lines 7-13). Where a user subscribes to receive a particular type of notification or notifications from a particular application, such notifications can not be said to be "unsolicited." Accordingly, *Reddy* does not disclose, teach, or suggest "receiving at least one unsolicited alert notification from the at least one remote agent, the at least one alert notification comprising an indication of a change to the at least one remote agent," as recited in Claim 13. Dependent Claims 14 and 15 that depend on Claims 5 and 9, respectively, are allowable for analogous reasons.

For at least these reasons, Applicants request reconsideration and allowance of dependent Claims 13-15.

No Waiver

Additionally, Applicants have merely discussed example distinctions from the references cited by the Examiner. Other distinctions may exist, and Applicants reserve the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner's additional statements. The example distinctions discussed by Applicants are sufficient to overcome the Examiner's rejections.

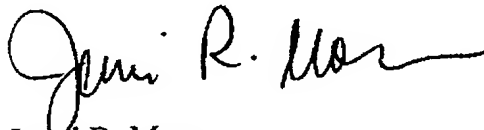
CONCLUSION

Applicants respectfully submit that this Application is in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stand ready to conduct such a conference at the convenience of the Examiner.

The Commissioner is hereby authorized to charge \$220.00 for an independent claim. No other fees are believed due; however, the Commissioner is authorized to charge any additional fees or credits to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
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